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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,080	09/17/2003	Keiichiro Yoshihara	C14-161312M/TRK	5062
21254	7590	02/23/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			BODDIE, WILLIAM	
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,080	<b>Applicant(s)</b> YOSHIHARA, KEIICHIRO	
	<b>Examiner</b> William Boddie	<b>Art Unit</b> 2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/17/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. The following title is suggested: Touch Screen Device with Guiding Surface.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Debrus et al. (US 5,598,527).

With respect to claim 1, Debrus discloses, an electronic equipment comprising: a display device configured to display information (fig. 1) and having a display surface (9 in fig. 1); a touch sensor arranged on part of a display surface (46 in fig. 1), and a guide portion configured to protrude from a surface of the touch sensor and to fringe the surface with a line having either a concave portion or a convex portion as a vertex in which configured as a reference position (46 in fig. 1, col. 3, lines 57-63).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debrus et al. (US 5,598,527) in view of Serravalle, Jr. (US 4,631,525).

**With respect to claim 2**, Debrus discloses, the electronic equipment in claim 1 (see above).

Debrus does not explicitly disclose setting an adjustment value to a predetermined reference value when the reference position is depressed.

Serravalle, Jr. discloses setting an adjustment value to a predetermined reference value when the reference position is depressed (col. 12, lines 46-53).

Serravalle, Jr. and Debrus are analogous art because they are both from the same field of endeavor namely touch screen implementation.

At the time of the invention it would have been obvious to one of ordinary skill in the art to alter the touch screen system of Debrus to set the variable to a predetermined value when a reference position is pressed. It seems obvious that one presented with these two inventions would provide the digital acoustic control of Serravalle, Jr. on the scalloping and display portions of Debrus.

The motivation for doing so would have been to provide an improved slidable adjustment apparatus wherein the relative position of a slidably operable element is represented by a digital position signal which can be used to energize a suitable display (Serravalle, Jr.; col. 2, lines 31-35).

Therefore it would have been obvious to combine Debrus with Serravalle, Jr. for the benefit of an improved slidable adjustment apparatus to obtain the invention as specified in claim 2.

**With respect to claim 3**, Debrus and Serravalle, Jr. disclose, the electronic equipment as claimed in claim 2 (see above).

Serravalle, Jr. further discloses, wherein a controller changes the adjustment value from the reference value when a slide operation is performed after the reference position is depressed (col. 12, lines 34-37).

Therefore it would have been obvious to combine Debrus with Serravalle, Jr., as shown above, for the benefit of quickly obtaining the previous volume adjustment (Serravalle, Jr.; col. 2, lines 26-30) to obtain the invention as specified in claim 3.

**With respect to claim 4**, Debrus discloses, the electronic equipment as claimed in claim 1 (see above).

Serravalle, Jr. further discloses, a notification unit configured to provide a notification that the reference position is depressed (18 in fig. 1, col. 5, lines 3-27; the operation of Serravalle, Jr. teaches the display of current position of the volume/fader level, this holds true for when the reference position is depressed.).

Therefore it would have been obvious to combine Debrus with Serravalle, Jr., as shown above, for the benefit of apprising the operator of the volume setting of the fader (Serravalle, Jr.; col. 5, lines 22-27) to obtain the invention as specified in claim 4.

**With respect to claim 5**, Debrus discloses, the electronic equipment of claim 1 (see above).

Serravalle, Jr. further discloses, wherein the controller controls an adjustment value of an output level of an acoustic signal (clear that Serravalle, Jr. is adjusting an audio/acoustic signal, col. 4, lines 21-40).

Therefore it would have been obvious to combine Debrus with Serravalle, Jr., as shown above, for the benefit of an improved fader or volume control apparatus (Serravalle, Jr.; col. 2, lines 17-21) to obtain the invention as specified in claim 5.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vanderheiden (US 6,049,328) teaches a touch screen that is particularly suited for blind operators. Specifically note figure 9, as well as element 200 in figure 2.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Will Boddie whose telephone number is (571) 272-0666. The examiner can normally be reached on Monday through Friday, 7:30 - 4:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wlb  
2/13/06

AMR A. AWAD  
PRIMARY EXAMINER  
